

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Case No. 0:24-cv-61734-MD

JENNIFER HEATH BOX

Plaintiff,

v.

BROWARD COUNTY, FLORIDA, ET AL.

Defendants.

_____ /

NOTICE OF VOLUNTARY DISMISSAL

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Jennifer Heath Box files this notice to alert the Court that she has voluntarily dismissed Defendants Broward County and John Doe from this lawsuit without prejudice.

Jennifer filed the original complaint on September 19, 2024, and served Defendant Broward County the next day. Jennifer never served process on Defendant John Doe, because she could not definitively identify him.¹ No Defendant in this case has filed a responsive pleading or dispositive motion.

In Jennifer's amended complaint, she sued Broward County Sheriff Gregory Tony in his official capacity, which is effectively a suit against Broward County. *See Cook ex rel. Est. of Tessier v. Sheriff of Monroe Cnty.*, 402 F.3d 1092, 1115 (11th Cir. 2005) ("When, as here, the defendant is the county sheriff, the suit is effectively an action against the

¹Jennifer believes, based on BSO's employment logs for December 26, 2022, that John Doe is most likely Sheriff's Deputy Matthew Thomas, who works as a guard in the women's wing of the Paul Rein Detention Center. But she could not definitely identify Deputy Thomas as the officer in question within the 90-day timeframe for service.

governmental entity he represents—in this case, Monroe County.”); *see also Freyre v. Chronister*, 910 F.3d 1371, 1381–82 (11th Cir. 2018) (holding that, for Eleventh Amendment purposes, Florida sheriffs are “by default” county officers); *Brown v. Tony*, No. 23-cv-60033-KMM, 2024 WL 4133855, at *5 (S.D. Fla. July 23, 2024) (“The Court further presumes at this stage that Count 2 against Tony is a claim against the County.”). After conferring with counsel for Broward County, Jennifer has agreed to voluntarily dismiss the County to avoid the redundancy of maintaining the suit against the County in two separate capacities. She does so without prejudice to her right to refile.

In addition to her official-capacity claim against Sheriff Tony, Jennifer also maintains her claims against the four other defendants: Broward County Sheriff’s Deputies Peter Peraza, Monica Jean, Jasmine Hines,² and Anthony Thorpe.³ To reflect this voluntary dismissal and the correct names of Deputies Jasmine Hines and Anthony Thorpe, Jennifer respectfully requests that this Court update the style of this case to reflect the parties named in her Amended Complaint, *see* ECF No. 25.

Date: December 18, 2024

Respectfully submitted,
/s/ Katrin Marquez
 Katrin Marquez (FL Bar ID No. 1024765)
 Email: kmarquez@ij.org
 INSTITUTE FOR JUSTICE
 2 Biscayne Blvd., Suite 3180
 Miami, FL 33131
 (305) 721-1600

Jared A. McClain* (DC Bar No. 1720062)
 Bobbi M. Taylor* (NJ Bar No. 435162023)
 Email: jmcclain@ij.org; btaylor@ij.org

² Jennifer’s original complaint identified Deputy Hines as “Jane Doe.”

³ Jennifer’s original complaint identified Deputy Thorpe as “(First Name Unknown) Thorpe).”

INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, VA 22203
Tel: (703) 682-9320

Attorneys for Plaintiff Jennifer Heath Box
**Admitted pro hac vice*